

IFW



Att'y Dkt. No. US-109
U.S. App. No. 10/784,986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hirano et al.

Appl. No.: 10/784,986

Filing Date: February 25, 2004

Title: Novel Lysine Decarboxylase Gene and Method
for Producing L-Lysine

Art Unit: 1652

Examiner: to be assigned

Atty. Docket: US-109

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. _____ in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

☐5. The document(s) was/were cited in a corresponding foreign application. ☐ A copy of a search report issued in the foreign application is attached. ☐ An English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 (A)(3).

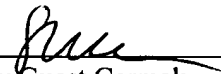
☐6. A concise explanation of the relevance of the non-English language document(s) ☐ is attached hereto or ☐ appears below.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. Other: _____.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By:


Shelly Guest Cermak
Reg. No. 39,571

Date: June 3, 2004

000038108

PATENT TRADEMARK OFFICE

Ajinomoto USA, Inc.

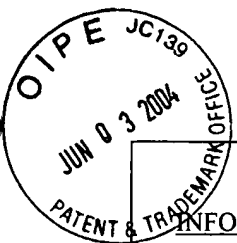
1120 Connecticut Avenue

Ste. 1010

Washington D.C. 20036

202 457 0284

202 457 0107 FAX



FORM PTO 1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DKT. NO.: US-109	APP. NO.: 10/784,986
	APPLICANT(S): Hirano et al.	
	FILING DATE: February 25, 2004	Group Art Unit: 1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	USP 5,827,698	27 Oct. 1998	Kikuchi et al.	435	115	5 Dec. 1995

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	EP 1 188 822	20 Mar 2002	EPO	C12N	1/21	<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

	Yumiko Takatsuka et al., Gene Cloning and Molecular Characterization of Lysine Decarboxylase from <i>Selenomonas ruminantium</i> Delineate Its Evolutionary Relationship to Ornithine Decarboxylase from Eukaryotes, JOURNAL OF BACTERIOLOGY, Dec 2000, p. 6732-6741, Vol. 182, No. 23
	Yong-Sung Lee et al., Identification of essential active-site residues in ornithine decarboxylase of <i>Nicotiana glutinosa</i> decarboxylating both L-ornithine and L-lysine, Biochem. J., 2001, p. 657-665,360
	Blattner et al., AAC 77092, 01 December 2000, NCBI database
	Blattner et al., AAC 77078, 01 December 2000, NCBI database
	Blattner et al., AAC 73297, 01 December 2000, NCBI database

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	